

	SUBSTANCE USE AND ABUSE	Operations Order 4.7.03
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1. PURPOSE

- To designate positions in the Department that are deemed safety sensitive, to include positions that involve a monetary or licensing related benefit under federal law or regulations
- To outline policy regarding substance use and abuse
- To encourage employees who have a substance abuse problem to voluntarily seek assistance and to deter employees from engaging in the illegal use of drugs

2. GENERAL INFORMATION

- A. The Department recognizes that to meet the high standards of performance, professionalism, and personal conduct required of those involved in the police profession, its employees must be free of the debilitating effects from the illegal use of drugs.
- B. The improper or illegal use of any controlled substance impugns the integrity of and undermines the public's confidence in the Department and will not be tolerated.
- C. Safety Sensitive Positions - Employees who work in the below positions are prohibited from using medical marijuana (federal law prohibits the use, purchase, and/or transport of marijuana even if the person possess a medical marijuana card or caregiver card):
 - Sworn police officers and other employees who possess firearms or ammunition as part of their job duties
 - Positions in the Laboratory Services Bureau (LSB)
 - Positions involved in the interdiction of federal drug statutes
 - Any employee holding a commercial driver license (CDL)
 - Any employee who occupies a driving position (as defined in [Administrative Regulation \(AR\) 2.324](#))
 - Any position where an employee has access to Arizona Criminal Justice Information System (ACJIS)/Criminal Justice Information System (CJIS) information
 - Any federally funded position
 - 911/Communications operators
 - Any position responsible for handling evidence/cash and/or drugs
 - Any employee assigned to the Homeland Defense Bureau (HDB)
 - Any position with access to drug/medical information
 - Any other position deemed safety sensitive by the Department

3. DUTY TO DISCLOSE SUBSTANCE USE

- A. Employees who work in safety sensitive positions, as outlined above in section 2.C of this order, and other duty-to-disclose positions as outlined in [AR 2.324](#), are required to disclose:
 - The use of any substance, including medical marijuana and prescribed and over-the-counter medications, which could impair their job performance.
 - If they are a medical marijuana card holder.

NOTE: An employee will not be discriminated against, penalized, or disciplined based solely on his/her status as a medical marijuana card holder.

- (1) The required disclosure of substances/medical marijuana card holder status must be made to the employee's supervisor prior to going on duty or to the employee's supervisor or Department human resources liaison prior to being hired, transferred, or promoted to a safety sensitive position.
- (2) If an employee in a safety sensitive position discloses any substance use, the employee's chain of command will review the employee's circumstances to determine the employee's suitability to remain in his/her current position (the Police Chief will be the final approving authority regarding all transfers in accordance with [Operations Order 4.6.00, Transfer Policy](#)).

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3. A. (2) (a) Factors to consider when reviewing a civilian employee's suitability for a safety sensitive position as a substance user may include, but are not limited to, the following:

- The classification and form of ingestion of the substance (topical cream, tablets, edibles, inhalation, etc.).
- The level of access required for data access and the sensitivity of the job duties to be performed.

4. **SUBSTANCE USE AND ABUSE**

- A. Employees are prohibited from using, possessing, or being impaired by marijuana, a controlled substance without a valid prescription, human growth hormones, or alcohol (unless otherwise specified in this order) while conducting City business, on business hours, on overtime, on paid standby/on-call duty, on lunch and breaks, or at a City worksite.

- The use or possession of controlled substances with a valid prescription may be permissible if the substance does not impair job performance.
- An employee who reports to work and appears to be impaired by any substance will be subject to reasonable cause testing in accordance with [AR 2.324](#).

B. Alcohol

- (1) Consumption of Alcohol Off Duty - The Department does not object to off duty consumption of alcoholic beverages in moderation.

- (a) Employees will not consume alcoholic beverages to the extent they will bring discredit to the Department or will not allow an alcohol abuse problem to affect their job performance.

- (b) Any misconduct that is the result of alcohol abuse will result in disciplinary action.

- (2) Employees will not report to duty when impaired in **any** way by the use of alcohol and will not report to duty with the odor of alcohol on their breath.

(3) Consumption of Alcohol On Duty

- Employees will not consume alcoholic beverages while on duty or during **any** break (including lunch), except in conjunction with an official investigation and with prior approval of a supervisor.
 - * Employees will not consume or purchase alcoholic beverages while in uniform or wearing any identifiable part of the uniform. Included in this restriction is the purchase of non-alcoholic beverages that have the appearance or smell of alcoholic drinks, such as non-alcoholic beer.
 - * Plainclothes employees may consume alcoholic beverages or non-alcoholic substitutes on duty only in conjunction with an official investigation and with the prior approval of a supervisor.
 - * Officers working in assignments that allow them to consume alcoholic beverages on duty may be randomly tested to determine their level of intoxication while on duty.
 - * Affected bureaus and precincts will develop their own guidelines and restrictions, depending upon the circumstances surrounding the assignment.

- (4) Any employee suspected of being impaired by alcohol while on duty will submit to a field sobriety test and/or breath alcohol test to determine the level of intoxication.

- Supervisors must base such an order upon reasonable suspicion and document these observations in writing.
- A copy of this documentation will be provided to the employee upon request.

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4. B. (5) Supervisor's Responsibilities

- (a) Supervisors will be trained in early detection of alcohol abuse and will be familiar with available sources of help.
- (b) When a supervisor becomes aware an employee's alcohol problem adversely affects job performance, the supervisor will advise the employee of the requirement to seek assistance.
 - The Employment Services Bureau (ESB) will maintain information on all available sources of alcohol abuse treatment programs.
 - A request for information can be made in person, anonymously, or on the behalf of a fellow employee.

C. Prescription Drugs or Other Medications

(1) General Guidelines

- (a) Employees will not use marijuana, narcotics, or dangerous drugs, including anabolic steroids (refer to [Arizona Revised Statute \(ARS\) 13-3401](#) for specific definitions of drugs), except when both of the below exists:
 - There is a legitimate doctor-patient relationship
 - Prescribed by a physician who is a Doctor of Medicine (MD) or Doctor of Osteopathic Medicine (DO) and is licensed to practice medicine in the State of Arizona.

NOTE: Employees in safety sensitive positions are prohibited from using medical marijuana for any reason, at any time.

- (b) The following four (4) elements must exist to establish the doctor-patient relationship:
 - A patient has a medical complaint
 - A medical history has been taken
 - An in person physical examination/evaluation has been performed by the prescribing physician
 - Some logical connection exists between the medical complaint, the medical history, the physical examination/evaluation, and the drug prescribed

NOTE: Completing a questionnaire that is reviewed by a doctor, hired by an internet pharmacy, **will not** meet the definition of a legitimate doctor-patient relationship for the use of narcotic or dangerous drugs as outlined above.

- (c) In cases where prescribed drugs or other medications, including over-the-counter medications, affect the job performance of employees, they will notify their supervisor prior to going on duty.
 - Employees will not operate a vehicle or carry a firearm while taking medication that affects their fitness for duty (if the medication has a warning against driving or operating machinery, they will not operate a vehicle or carry a firearm).
- (d) It is each employee's personal responsibility to remain free from prescription drug abuse.
 - Employees with prescription drug abuse problems are subject to termination.
- (e) When there is reasonable suspicion that an employee is impaired due to illegal drug usage or prescription drug abuse, the employee may be required to submit to drug testing and/or be referred to a City physician to determine if a prescribed drug is being abused and to conduct a work fitness evaluation.

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4. D. Illegal Substances and Illegal Use of Controlled Substances

(1) General Guidelines

- (a) The unauthorized use, sale, purchase, or possession of illegal or controlled substances by employees will be the basis for dismissal.
- (b) Controlled and illegal substances include, but are not limited to, the following:
 - Cocaine
 - Heroin
 - Marijuana
 - Methamphetamine
 - LSD (lysergic acid diethylamide)
 - Anabolic Steroids

- (2) Drug Detection Testing - All employees suspected of using illegal substances or controlled substances without a valid prescription, will submit to drug detection testing of the Department's choosing, to include but not limited to, urine, blood, and hair follicle collection and screening.

(a) Supervisor's Responsibilities	Supervisors must base an order to take a drug detection test upon reasonable suspicion. - Suspicion may be based on a supervisor's observations and/or information developed in an internal investigation. - Supervisors will document their observations in writing (a copy of this documentation will be provided to the employee upon request). When a supervisor determines there is reasonable suspicion of controlled or illegal substance use, the supervisor will immediately contact the Professional Standards Bureau (PSB). - PSB personnel will notify the Human Resources (HR) Department and arrange to have the appropriate drug screen panel requested by the contract collection site. - This test will require prior approval of the employee's bureau/precinct commander/administrator or any higher ranking officer. - In those cases where the investigation is being conducted by PSB, approval may be obtained from the PSB commander or designee.
(b) Administering the Drug Detection Test	- This test will be conducted on City time and at City expense. - Refusal to take any drug detection test ordered by a supervisor, or refusal to authorize the release of test results, <u>will</u> result in the employee's dismissal. - After completing the test, employees may be relieved from duty until the test results are determined. - This will be paid leave documented as City Business time.
(c) Test Results	- Positive test results will be verified by an additional test on the same sample. - Upon negative results, the employee may be returned to full-duty status, unless other charges or investigations prohibit this.
(d) Drug Screening Program	- In cases where management methods have failed to improve an employee's job performance, the Police Chief has the option to mandate an employee's participation in a structured screening and treatment program as an alternative to dismissal. - This will require the consent of the employee.

E. Substances Abuse Investigations

- (1) Employee criminal actions resulting from abuse of alcohol or prescription drugs, or from use of illegal substances, will be investigated separately from any administrative actions initiated by the Department.

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4. E. (2) Use of illegal substances or abuse of alcohol or prescription drugs not amounting to a felony, will result in disciplinary action up to and including dismissal and, if applicable, an employee's AzPOST certification may be revoked.

5. **ASSISTANCE PROGRAMS FOR EMPLOYEES**

A. General Procedures

- (1) Employees who are aware of their own alcohol or legal drug abuse problems are encouraged to seek professional help at its earliest stages, before it affects job performance or personal welfare.
- (2) At this stage, all counseling and referrals will be confidential and will not jeopardize job security or promotional opportunities unless the problem involves danger to the employee or to the public or presents increased liability for the City because of the nature of duties involved.
- (3) Types of Assistance Programs - Employee assistance can be obtained at no cost or reduced cost through several programs provided by the Department and the City.

(a) Health Insurance	An employee's health insurance provider may be contacted for information on substance abuse programs and costs.
(b) Employee Assistance Program (EAP)	- The Employee Assistance Program (EAP) is available for assessment, referrals, and follow-up evaluation. - Any employee wishing confidential assistance for a substance abuse problem may call the EAP helpline at 602-534-5433 and arrange for an appointment with a counselor. - More information on this program can be obtained from Operations Order 4.10.00, Personnel Support Services.

B. Confidentiality

- (1) Confidentiality is an essential element of all legal substance abuse treatment programs.
- (2) Any employee violating this confidentiality may be subject to disciplinary action.

C. Employee Assistance Program Self-Referrals

(1) Scheduling Appointments

- (a) The employee may schedule the appointment for off duty time, if desired.
- (b) The employee may schedule the appointment on City time with the approval of a supervisor.
 - It is not necessary to advise the supervisor of the reason for the EAP visit.
 - Employees may use City Business time for up to three, two-hour EAP visits per year, subject to scheduling constraints and supervisory approval.
 - No premium pay is authorized.

(2) Use of Department Leave

- (a) When an employee requires leave time to participate in a substance abuse treatment program, existing policy concerning leave of absence will be followed.
- (b) When employees request the purpose of the leave of absence not be disclosed to their supervisor, the doctor's medical slip will be processed directly through the Fiscal Management Bureau (FMB).

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5. C. (2) (c) The EAP counselor will contact the Police Chief or designee for authorization of the leave time.

- (d) The Police Chief or designee will maintain confidentiality regarding the reason for the leave when advising the supervisor of the employee's leave of absence.

(3) Contacting the Department

- (a) All self-referral contacts are held in confidence by the EAP counselor unless the employee requests in writing the Department be notified.
- (b) If the problem involves danger to the employee or the public, or presents increased City liability due to the nature of the employee's work assignment, per [AR 2.324](#), the EAP counselor shall notify the Police Chief that the employee's assignment should be modified.

(4) General Information

- (a) Employee compliance with recommendations by the EAP counselor is voluntary.
- (b) Use of the program does not replace routine disciplinary procedures for unsatisfactory job performance and misconduct.

D. Supervisor Referrals to the Employee Assistance Program

(1) General Guidelines

- (a) It shall be the responsibility of supervisors at every level to encourage employees to seek assistance when deteriorating or unsatisfactory job performance does not respond to usual supervisory action or when a specific on-the-job incident is cause for concern.
- (b) A supervisor should not attempt to diagnose an employee's problems.

(2) Procedures for Referral

- (a) Supervisors who observe a continuing decline in job performance or attendance are encouraged to refer the employee to EAP when performance does not respond to usual supervisory action.
- The supervisor will document the employee's work-related deficiencies and discuss them with the employee.
 - The supervisor will request the employee meet with an EAP counselor.
 - If the employee refuses to accept the referral, the supervisor will document this and advise the employee if performance does not improve, disciplinary action may be pursued.
- (b) When the employee accepts the referral, the supervisor will call an EAP counselor and describe the job performance problems.
- An appointment will be scheduled for the employee on City time as City Business.
 - The employee may see the counselor on City time for up to three (3), two-hour visits per year.
 - The counselor may request additional visits on City time (approval for additional visits must be obtained from the employee's immediate supervisor based upon the needs of the work unit).
 - No premium pay is authorized.

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5. D. (2) (c) Supervisors will be informed of whether or not the employee has kept the appointment and if the employee is following recommendations.
- The nature of the employee's problem will not be discussed outside the chain of command unless the employee gives written permission to do so.
 - Any supervisor who violates the employee's confidentiality will be subject to disciplinary action.

Last Organizational Review: